

## DEPARTMENT OF FINANCE BILL ANALYSIS

**AMENDMENT DATE:** April 5, 2010  
**POSITION:** Neutral

**BILL NUMBER:** SB 1141  
**AUTHOR:** G. Negrete McLeod  
**RELATED BILLS:** SB 737 - 2009-10,  
SB 1118 - 2007-08

### **BILL SUMMARY:** Airports: Airport Land Use Commissions

Under current law, most counties are required to set up Airport Land Use Commissions (ALUCs) to plan for the areas around public use airports. ALUCs regulate land use around airports to protect neighborhoods from safety and noise hazards, and protect airports from encroaching land uses incompatible with airport operations.

This bill would make several noncontroversial clarifying changes to the airport land use planning statute and would repeal obsolete provisions.

### **FISCAL SUMMARY**

Finance estimates this bill would have no state General Fund impact.

To the extent that funds are redirected from the Aeronautics Account of the State Transportation Fund to fund start-up costs of local ALUCs, there could be a presently unquantifiable decrease in funds available for airport capital improvements.

### **COMMENTS**

Finance notes the following with regard to this bill:

- This bill would make several noncontroversial clarifying changes to the airport land use planning statute requested by local governments and the aviation industry.

|                                     |      |                                     |      |
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| Analyst/Principal<br>(0762) C. Hill | Date | Program Budget Manager<br>Mark Hill | Date |
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| Department Deputy Director | Date |
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| Governor's Office: | By: | Date: | Position Approved _____    |
|                    |     |       | Position Disapproved _____ |

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| <b>BILL ANALYSIS</b> | Form DF-43 (Rev 03/95 Buff) |
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**ANALYSIS****A. Programmatic Analysis**

Under current law, most counties are required to set up ALUCs to plan for the areas around public use airports. ALUCs regulate land use around airports to protect neighborhoods from safety and noise hazards, and protect airports from encroaching land uses incompatible with airport operations.

Existing law requires ALUCs to have seven members:

- Two county representatives.
- Two city representatives
- One public member.
- Two members with expertise in aviation, defined as an individual who has demonstrated knowledge of airport operations and functions or is an elected official of a local agency that owns an airport. Under that criteria, any elected official of a city that owns an airport can qualify as a person with "expertise in aviation" even if the official has no aviation knowledge.

This bill would repeal the language that allows an elected official of a local agency that owns an airport to qualify as a person with expertise in aviation.

Current law permits local officials to designate an alternative body to assume the planning duties of an ALUC as an alternative to establishing a separate ALUC.

This bill would require that alternative body to be a countywide body.

Existing law permits a county board of supervisors and affected cities to make a determination that proper land use planning can be accomplished without the formation of an ALUC. The county and affected cities must adopt planning processes that will result in an Airport Comprehensive Land Use Plan (ACLUP) for each public-use airport. Caltrans' Division of Aeronautics must review and approve those alternative planning processes.

This bill would:

- Allow a city to assume an ALUC's duties for an airport located within its boundaries if, before January 1, 2011, the county board of supervisors and the city council agree that the city can provide proper land use planning, and the airport:
  - Is certified by the Federal Aviation Administration as meeting specified standards.
  - Has a noise compatibility program approved by the Federal Aviation Administration.
  - Is owned and operated by an agency that is headquartered in another county.
- Provide that the city council must adopt planning processes that will result in an ACLUP for each public-use airport. Caltrans' Division of Aeronautics must review and approve those alternative planning processes.

Current law requires city and county general plans and specific plans must be consistent with the ALUC's plan. If an ALUC determines that local plans are not consistent, the city council or county board of supervisors may overrule the ALUC by a 2/3 vote, after making findings as specified. Overruling the Marin County ALUC requires only the majority vote of a city council or the county supervisors.

This bill would repeal Marin County's special override provision.

**AUTHOR**

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Existing law provides that if a city council or county board of supervisors overrides an ALUC's plan, the operator of a publicly owned airport is immune from liability for any resulting damages.

This bill would extend that existing liability immunity to all public use airports.

Current law establishes the State Transportation Fund within which there is an Aeronautics Account which receives federal trust funds, plus excise tax revenues from aviation gas and jet fuel. State officials make grants from the Aeronautics Account to public entities for airport capital improvements.

This bill would allow Caltrans' Division of Aeronautics to establish the Airport Land Use Commission Establishment Fund, and to allocate to it funds from the Aeronautics Account, in order to assist counties which are unable to fund ALUC start-up costs.

## B. Fiscal Analysis

Finance estimates this bill would have no state General Fund impact.

To the extent that funds are redirected from the Aeronautics Account of the State Transportation Fund, there could be a presently unquantifiable decrease in funds available for airport capital improvements.

| Code/Department<br>Agency or Revenue<br>Type | SO | (Fiscal Impact by Fiscal Year) |    |                        |    |           |    |           |      |
|--|----|--------------------------------|----|------------------------|----|-----------|----|-----------|------|
|  | LA | (Dollars in Thousands)         |    |                        |    |           |    |           |      |
|  | CO | PROP                           |    |                        |    |           |    |           | Fund |
|  | RV | 98                             | FC | 2009-2010              | FC | 2010-2011 | FC | 2011-2012 | Code |
| 0001/Major Rev                               | SO | No                             |    | No/Minor Fiscal Impact |    |           |    |           | 0001 |
| 2660/Caltrans                                | SO | No                             |    | See Fiscal Analysis    |    |           |    |           | 0046 |

| <u>Fund Code</u> | <u>Title</u>                       |
|------------------|------------------------------------|
| 0001             | General Fund                       |
| 0046             | Public Transportation Account, STF |